REMARKS

This is in response to the Office Action dated December 1, 2006 in which all pending claims 1-21 were rejected and in response to an interview with the Examiner on November 8, 2006. With this Amendment, claim 21 has been amended and the remaining claims are unchanged in the application. Applicants respectfully request reconsideration and allowance of all pending claims in view of the above-amendment and the following remarks.

I.   RESPONSE TO INTERVIEW

During the interview, the Examiner and the undersigned discussed the 35 U.S.C. §101 rejection of pending claims 1-20. The Examiner maintained his general position that there is no concrete, useful and tangible result in pending claims 1-20. However, Applicants disagree with that position for reasons provided below in section III of this Amendment.

II.   CLAIM OBJECTIONS

In section 4 of the Office Action, claim 21 was objected to because of informalities. In accordance with the Examiner's suggestion, claim 21 has been amended to remove the symbol for period and therefore the rejection should be withdrawn.

III.   CLAIM REJECTIONS UNDER 35 U.S.C. §101

In section 6 of the Office Action, claims 1-20 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter because they were said to merely manipulate an abstract idea without a claim limitation to a practical application. Specifically, the Office Action suggests that there is no concrete, useful and tangible result at the end of "the maximal number of read retry attempts" in independent claims 1, 7 and 13.

As noted in the specification, before the present embodiments, retry attempts were always carried out a predetermined number of times (based on a single retry attempt threshold) for a particular copy of information before moving on to a next copy of the information. By establishing minimal and maximal numbers of retry attempts, the present embodiments do not have to exhaust all retry attempts based on a single threshold, but can move on to the next copy of information after the minimal number of retry attempts is reached. Only if retry attempts to read all copies of information, based on the minimal number of retry attempts fail, the retry process continues based

on the maximal number of retry attempts. Events that may occur after "the maximal number of read retry attempts" is reached are irrelevant to the present embodiments.

Accordingly, the process being claimed in claim 1 is directed to iterative attempts at reading and not what happens after the iterative attempts. Such later events and results are irrelevant to claim 1.

The conditional statement in the last paragraph of claim 1 expressly provides a positive limitation that includes "iteratively attempting reading successive copies of the information until either the information is successfully read or the information is not successfully read from any copy of the information after the maximal number of attempts."

Thus, the maximal number provides a tangible bound on the number of iterative read attempts performed on the storage medium during step (c) of claim 1. Step (c) therefore provides a tangible result (iteratively attempting to read) on a physical device (storage medium) and provides a tangible bound to the number of iterations. This satisfies the §101 requirement of a concrete, useful and tangible result for a claim and, as noted above, any subsequent events and results are irrelevant to claim 1.

Claims 7 and 13 produce useful, concrete and tangible results since they also include elements similar to step (c) of claim 1. As such, claims 1-20 all define statutory processes and do not merely manipulate an abstract idea but instead produce useful, concrete and tangible results. Thus, the rejection of claims 1-20 under 35 U.S.C. §101 should be withdrawn.

IV.   CLAIM REJECTIONS UNDER 35 U.S.C. §102

In section 11 of the Office Action, claim 21 was rejected under 35 U.S.C. §102(b) as being anticipated by Semba, U.S. Patent No. 5,504,726 B1.

As noted above, claim 21 includes "establishing minimal and maximal numbers that define two levels of retry attempts to read information on a storage medium."

The Semba reference deals in general with the calibration of tracking error signals and focus error signals when an optical disk drive is in normal operation mode. The cited FIG. 3 and language (col. 5, lines 1-27; col. 6, lines 5-13, 35-39) of Semba describe the utilization of minimum and maximum values of a tracking error signal in a specific method embodiment for

calibrating tracking error signals. The Office Action suggests that the minimum and maximum values of the tracking error signal are the same as the minimal and maximal numbers in the above-noted element of claim 21. Applicants respectfully assert that minimum and maximum values of a signal (such as the tracking error signal in Semba) have nothing to do with minimal and maximal numbers that define two levels of retry attempts to read information on a storage medium. Thus, Semba does not anticipate claim 21.
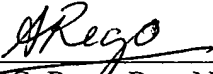
V.   CONCLUSION

Applicants respectfully submit that the dependent claims are also allowable at least by virtue of their dependency, either directly or indirectly, from the allowable independent claims. In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-21. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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